

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Lyman D. Horne  
Douglas M. Grover  
W. Paul Willes  
Michael J. Miller

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: A METHOD AND SYSTEM FOR PRIORITIZATION AND DYNAMIC CHANNEL ALLOCATION WITHIN A COMMUNICATION SYSTEM

ATTORNEY DOCKET: 4489 P

Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION FOR PATENT APPLICATION**

Honorable Commissioner:

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled A METHOD AND SYSTEM FOR PRIORITIZATION AND DYNAMIC CHANNEL ALLOCATION WITHIN A COMMUNICATION SYSTEM the specification of which

is attached hereto  
 was filed on \_\_\_\_\_  
as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed
(Number)	(Country)	(Date)	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----	-----	-----	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----	-----	-----	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----	-----	-----	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s)

-----	-----
(Application No.)	(Filing Date)
-----	-----
(Application No.)	(Filing Date)
-----	-----
(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior United States Application(s):

-----	-----	-----
(Application No.)	(Filing Date)	(Status – patented, pending, abandoned)
-----	-----	-----
(Application No.)	(Filing Date)	(Status – patented, pending, abandoned)
-----	-----	-----
(Application No.)	(Filing Date)	(Status – patented, pending, abandoned)

Power of Attorney

I hereby appoint Lloyd W. Sadler (Reg. No. 40,154), Daniel P. McCarthy (Reg. No. 36,600), and Douglas M. Grover (Reg. No. 52,974) as my representatives and attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All communications should be directed to Mr. Sadler at the following address or telephone number:

Lloyd W. Sadler  
PARSONS BEHLE & LATIMER  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
(801) 532-1234 - telephone  
(801) 536-6111 - facsimile

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Michael J. Miller

Residence of inventor:

Address: 258 EAST 1640 NORTH

City: PLEASANT GROVE

State: UTAH

Citizenship: United States of America

Post Office Address of Inventor:

Address: 258 EAST 1640 NORTH

City: PLEASANT GROVE

State: UTAH

Inventor's Signature: Michael J. Miller

Date: 26 AUG 2003

Full name of inventor: Lyman D. Horne

Residence of inventor:

Address: 1708 Dale Ridgave.

City: Salt Lake City

State: UT

Citizenship: United States of America

Post Office Address of Inventor:

Address: 1708 Dale Ridgave.

City: Salt Lake City

State: UT

Inventor's Signature: Lyman D. Horne

Date:

8-19-2003

Full name of inventor:

W. Paul Willes

Residence of inventor:

Address:

1224 E. Preston Drive

City:

Alpine

State:

ut

Citizenship:

United States of America

Post Office Address of Inventor:

Address:

1224 E. Preston Drive

City:

Alpine

State:

ut

Inventor's Signature:

L. P. Willes

Date:

June 19, 2003

Full name of inventor:

Douglas M. Grover

Residence of inventor:

Address:

157 North Clark Ln

City:

ELK Ridge

State:

Utah 84651

Citizenship:

United States of America

Post Office Address of Inventor:

Address:

157 North Clark Ln

City:

ELK Ridge

State:

Utah 84651

Inventor's Signature:

Douglas M. Grover

6-19-03

Date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Lyman D. Horne  
Douglas M. Grover  
W. Paul Willes  
Michael J. Miller

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: A METHOD AND SYSTEM FOR PRIORITIZATION AND DYNAMIC CHANNEL ALLOCATION WITHIN A COMMUNICATION SYSTEM

ATTORNEY DOCKET: 4489 P

Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS**

**--SMALL BUSINESS CONCERN--  
(37 CFR 1.9(f) AND 1.27(c))**

Honorable Commissioner:

I hereby declare that I am

the owner of the small business concern identified below:

an official of the small business concern identified below and that I am empowered to act on behalf of said corporation:

NAME OF CONCERN: Phonex Broadband Corporation  
ADDRESS OF CONCERN: 6952 High Tech Drive  
Midvale, Utah 84047

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the business concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one

concern controls or has the power to control the other, or a third party controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled A METHOD AND SYSTEM FOR PRIORITIZATION AND DYNAMIC CHANNEL ALLOCATION WITHIN A COMMUNICATION SYSTEM by the above-named inventors described in

the specification filed with this declaration.

application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

no such person, concern or organization exists.

each such person, concern or organization is listed below:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

INDIVIDUAL  
NONPROFIT ORGANIZATION

SMALL BUSINESS ENTITY

I acknowledge the duty of the small business concern to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

On Behalf of: Phonex Broadband Corporation

NAME OF PERSON SIGNING: Paul Wilkes

TITLE OF PERSON SIGNING: Chief Technology Officer.

SIGNATURE: L. P. Wilkes DATE: June 17, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTORS: Lyman D. Horne  
Douglas M. Grover  
W. Paul Willes  
Michael J. Miller

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: A METHOD AND SYSTEM FOR PRIORITIZATION AND DYNAMIC CHANNEL ALLOCATION WITHIN A COMMUNICATION SYSTEM

ATTORNEY DOCKET: 4489 P

Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS**

**--INDEPENDENT INVENTOR--  
(37 CFR 1.9(c), (f) and 1.27(b))**

Honorable Commissioner:

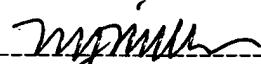
As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for the purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled A METHOD AND SYSTEM FOR PRIORITIZATION AND DYNAMIC CHANNEL ALLOCATION WITHIN A COMMUNICATION SYSTEM described in a patent application filed herewith.

I have not assigned, granted, conveyed or licensed and I am not under any obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein are of my own knowledge and are true

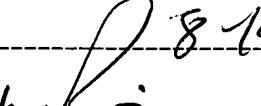
and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor:   
Name of Inventor: Michael J. Miller

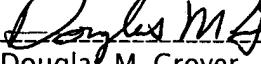
Date: 26 AVG 2003

Signature of Inventor:   
Name of Inventor: Lyman D. Horne

Date: 8-19-03

Signature of Inventor:   
Name of Inventor: W. Paul Willes

Date: June 17, 2003

Signature of Inventor:   
Name of Inventor: Douglas M. Grover

Date: 6-19-03